

**TO BE COMPLETED BY THE DEFENDANT:**

I, Derrick Johnson [print name], certify that I this day met with my attorney,  
Sean Simmons [print name] and:

- I am of sound mind, clear-headed, and able to comprehend all of what my attorney has advised me about my right to appeal my conviction and sentence in this case;
- My attorney has fully explained to me the appellate process, including that I
  - (a) have the right to a direct appeal to the Eleventh Circuit, with assistance of counsel, free of charge, if I am indigent, but to exercise that right I
  - (b) must timely file a notice of appeal and
  - (c) comply with all appellate form-completion and briefing obligations;
- My attorney has advised me about the advantages and disadvantages of pursuing an appeal;
- My attorney has thoroughly inquired of me about my interest in appealing my conviction.

It is in that light that (check one):

☐ I have decided to file an appeal and thus have instructed my attorney to file it for me.

☒ I have decided not to file an appeal, and my attorney has explained to me the consequences of failing to do so. Those consequences include the waiver of my right to complain about the process that led up to my conviction, including in the future, should I decide to seek any form of habeas corpus, 28 U.S.C. § 2255, or other judicial relief from the conviction.

This 23<sup>rd</sup> day of January, 2023

Print: Sean Simmons name of attorney

Sign: [Signature] signature of attorney

Witnessed:

Print: Derrick Johnson name of defendant

Sign: [Signature] signature of defendant

**FILING:** Counsel must file this form in the trial-court record of the defendant's case within ten business days following its completion. Attach this as the second page of a document bearing the caption of your client's case with this title: "POST-CONVICTION CONSULTATION CERTIFICATION."

IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF GEORGIA

POST-CONVICTION CONSULTATION CERTIFICATION

TO BE COMPLETED AND FILED BY COUNSEL:

I, Sean Simmons [print name], attorney for Derrick Johnson [print name],  
certify that I this day met with my client, Derrick Johnson [print name] and:

- I found him/her to be of sound mind, clear-headed, and able to comprehend all of what I advised him/her regarding his/her right to appeal from the conviction and sentence in this case.
- I have fully explained to him/her the appellate process, including that he/she
  - (a) has the right to a direct appeal to the Eleventh Circuit, with assistance of counsel, free of charge, if he/she is indigent, but to exercise that right he/she
  - (b) must timely file a notice of appeal and
  - (c) comply with all appellate form-completion and briefing obligations;
- I have advised him/her about the advantages and disadvantages of pursuing an appeal;
- I have thoroughly inquired of him/her about his/her interest in appealing his/her conviction.

It is in that light that (check one):

☐ he/she has decided to file an appeal and thus has instructed me to file it for him/her.

☒ he/she has decided not to file an appeal, and I have explained to him/her the consequences of failing to do so. Those consequences include the waiver of his/her right to complain about the process that led up to his/her conviction, including in the future, should he/she decide to seek any form of habeas corpus, 28 U.S.C. § 2255, or other judicial relief from the conviction.

This 23<sup>rd</sup> day of January, 2020

Print: Sean Simmons name of attorney

Sign: [Signature] signature of attorney

Witnessed:

Print: Derrick Johnson name of defendant

Sign: [Signature] signature of defendant